

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RICHARD THOMPSON and  
RONALD JORDAN,

Plaintiffs,

v.

Case No. 2:04-cv-204  
HON. ROBERT HOLMES BELL

PATRICIA CARUSO,

Defendant.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on December 5, 2006. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiffs. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

The magistrate judge recommended denial of plaintiffs' motion for injunctive relief against defendant Caruso. Plaintiffs alleged that a prison guard at Marquette Branch Prison confiscated plaintiff Jordan's file in this action. Plaintiffs clearly indicate that defendant was not involved in the confiscation of the prison file. Although the Sixth Circuit has held that defendant Caruso did violate plaintiffs' clearly established rights when their legal mail was opened and inspected outside their presence on December 14, 2003, that does not establish that defendant Caruso

was involved in the unrelated allegations involving the confiscation of documents. Plaintiffs are not entitled to injunctive relief on this unrelated issue.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that plaintiffs' motion for preliminary injunction (Docket #23) and motion for hearing (Docket #74) are DENIED.

Date: January 31, 2007

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE